Remarks

Reconsideration of this application is requested. Claims 36 and 50 are under consideration.

Claims 1-35, and 37-49 have been canceled without prejudice in order to expedite the further prosecution of this application.

Claims 36, 50 and 51 have been amended.

Claim 36 has been amended to depend from claim 50.

Claim 50 has been rewritten as an independent claim directed to an isolated polypeptide consisting essentially of amino acid residues 71-471 of SEQ ID NO: 10. (referred to as "super mini TrpRS" in the present application).

Claim 51 has been amended to depend from claim 50 and is not specifically directed to an isolated polypeptide consisting essentially of amino acid residues 71-471 of SEQ ID NO: 10 (i.e., super mini TrpRS) produced by cleavage of the polypeptide consisting essentially of residues 1-471 of SEQ ID NO:10 (full length TrpRS) with polymorphonuclear leucocyte elastase.

Support for these claims can be found in the original claims and in specification (Examples 11 and 12) at page 59, line 24 through page 61, line 32. No new matter is added by these amendments.

Claim 36 was rejected under 35 USC §112, first paragraph as lacking adequate written description due to the phrase "capable of regulating vascular endothelial cell function" found in claim 8, from which claim 36 depended. Claim 36 has now been amended to depend from claim 50 which does not contain the phrase objected to in the Office Action. Accordingly, this ground for rejection is moot.

Claims 36 and 50 stand rejected as being unpatentable over Schimmel *et al.* U.S. Patent Publication No. US 2003/0017564 A1 under 35 USC 102(e). Schimmel *et al.* claims the benefit of U.S. Provisional Application for Patent Serial No. 60/270,951, filed on February 23, 2001.

Enclosed herewith is a Declaration Under 37 CFR §1.131 executed by inventor Paul Schimmel, which states that prior to February 23, 2001 Paul Schimmel and Keisuke

Wakasugi had conceived, prepared, and successfully tested an isolated polypeptide which has an amino acid residue sequence consisting essentially of residues 71-471 of SEQ ID NO: 10 as claimed in the present Application. In support of his Declaration, Dr. Schimmel has attached as Exhibit A a copy of a chart of human TrpRS constituents, which was prepared prior to the February 23, 2001 priority date of Schimmel *et al.*, and shows the TrpRS-T1 cleavage product having angiostatic activity and amino acid residues 71-471 of full length TrpRS.

Accordingly, Applicants respectfully request that the rejection of claims 36 and 50 as being unpatentable over Schimmel *et al.* be withdrawn.

Claims 50 and 51 stand rejected as being anticipated by Tolstrup *et al.* under 35 USC 102(b). As noted at page 2, lines 24-28, Tolstrup *et al.* describes full length TrpRS (i.e., residues 1-471 of SEQ ID NO: 10) and an amino terminal truncated TrpRS (i.e., consisting of residues 48-471 of SEQ ID NO: 10), referred to in the present application as "mini TrpRS". Tolstrup *et al.* does not teach or suggest an isolated polypeptide which has an amino acid residue sequence consisting essentially of residues 71-471 of SEQ ID NO: 10 (referred to in the present Application as "super mini TrpRS") as claimed in the present Application. Accordingly, the present claims are patentable over Tolstrup *et al.*

Claims 36 and 51 also stands rejected as being anticipated by International Application No. WO 99/13075 A2 to Zhu *et al.* (referred to as Cong *et al.* in the Office Action) under 35 USC 102(b). Zhu *et al.* describes a 471 amino acid protein (SEQ ID NO: 12 of Zhu *et al.*) which appears to be closely related to *full length* TrpRS (i.e., amino acid residues 1-471 of SEQ ID NO: 10 of the present Application). Zhu *et al.* does not teach or suggest an isolated polypeptide which has an amino acid residue sequence consisting essentially of residues 71-471 of SEQ ID NO: 10 as claimed in the present Application. The protein of Zhu *et al.* includes 70 amino acid residues more than the protein of claims 36, 50, and 51. Accordingly, the present claims are patentable over Zhu *et al.*

Claims 36, 50, and 51 are deemed patentable over all of the prior art of record. Reconsideration and early passage of this Application to issue is solicited.

Respectfully submitted,

Dated June 14, 2004

By _____
Talivaldis Cepuritis (Reg. No. 20,818)

OLSON & HIERL, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180